

Docket No. 6388-0501-0

IN RE APPLICATION OF: Beatrice TOUMI, et al.

SERIAL NO: 09/533,361

FILED: March 22, 2000

FOR: TIGHTENING AGENT COMPRISING AT LEAST ONE GRAFTED SILICONE POLYMER



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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is a Second Preliminary Amendment in the above-identified application.

- ☒ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: Response to Election Requirement
Marked-up Copy of Claims

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	56	MINUS	56	0	× \$18 =	\$0.00
INDEPENDENT	6	MINUS	6	0	× \$80 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$270 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

- ☐ A check in the amount of _____ is attached.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

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Docket No. 6388-501-0



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Beatrice TOUMI, ET AL

SERIAL NO: 09/533,361

FILED: MARCH 22, 2000

FOR: TIGHTENING AGENT
COMPRISING AT LEAST ONE
GRAFTED SILICONE POLYMER

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: EXAMINER: L. WELLS

:

: GAU: 1619

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#8
HMD
6-29-01

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the restriction requirement, mailed December 4, 2000, the Applicants hereby provisionally elect with traverse the species covered by Claim 9. The grafted silicone polymer recited by Claim 9 comprises (a) 60 wt% tert-butyl acrylate, (b) 20 wt% acrylic acid and 20 wt% of the silicone macromer of formula (III). Claims 1-5 are generic to, and Claims 1-9 and 19-23 are readable on the elected species. The Applicants' provisional election is made without prejudice. It is the Applicant's understanding that as indicated in MPEP 803.02 that should no prior art be found which anticipates or renders obvious the elected species, the search of the claims will be extended.

In an earlier informal telephonic request for election, it was indicated that a single value for "n" in Formula (III) shown in Claim 9 must be chosen. However, as discussed with Examiner Wells on December 14, 2000, the above election will be deemed responsive to the election of species requirement.

Applicants traverse the requirement for restriction on the basis that unity of invention exists among the restricted claims, and that no serious burden is imposed in the examination of all the claims. Unity of invention exists where compounds included within a Markush

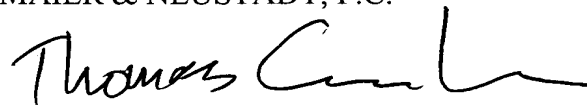
group (1) share a common utility and (2) share substantial structural features essential to utility, see MPEP 803.02.

Applicants submit that the polymers of the present invention (1) share at least the common utilities recited by Claims 1-3, and (2) share substantial structural features recited by Claim 5, i.e. in that component (a) is a lipophilic monomer (A) with ethylenic unsaturation which is polymerizable by the radical route, (b) is a polar hydrophilic monomer (B) with ethylenic unsaturation which is copolymerizable with the monomer of the (A) type and (c) is a polysiloxane macromer of formula (I). Accordingly, the Applicants submit that unity of invention is present, and that no serious burden would be imposed in the examination of Claims 1-9 and 19-23. Applicants submit that unity of invention also exists with the polymers recited by Claims 10-18, as these polymers share at least the utilities recited by Claims 1-3, and comprise similar chemical components. Accordingly, the Applicants respectfully submit that the restriction requirement be withdrawn and all the claims be examined together.

An action on the merits is now respectfully requested.

Respectfully submitted,

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